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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

**THE PEOPLE,**

**Plaintiff and Respondent,**

**v.**

**CHRISTINA ZEIGLER,**

**Defendant and Appellant.**

**A122384**

**(City and County of San Francisco  
Super. Ct. Nos. 194370, 197572)**

Defendant Christina Zeigler appeals the sentence imposed following the revocation of her probation. Her counsel advises this court that her examination of the record reveals no arguable issues. (*Anders v. California* (1967) 386 U.S. 738; *People v. Wende* (1979) 25 Cal.3d 436.) Counsel has advised her client in writing that a *Wende* brief was filed and that defendant had the right to file a supplemental brief in this case within 30 days. No such brief was filed. We agree that the record reveals no arguable issues and affirm.

### BACKGROUND

In December 2004, defendant pled guilty in San Francisco Superior Court case No. 194370 to possession of base/rock cocaine for sale (Health & Saf. Code, § 11351.5)<sup>1</sup> and was placed on probation. On December 16, 2005, defendant pled guilty in San

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<sup>1</sup> All undesignated section references are to the Health and Safety Code.

Francisco Superior Court case No. 197572 to sale of crack cocaine (§ 11352, subd. (a)) in exchange for dismissal of a charge of violating section 11351.5, admission that she violated her probation in case No. 194370, and the following anticipated sentence: placement on three years' probation with execution suspended of a three-year state prison sentence, service of one year in county jail with credit for time served, rehabilitation while in jail, and standard probation conditions. On January 24, 2006, she was sentenced accordingly.

Subsequently, the prosecutor moved to revoke defendant's probation based on defendant's January 19, 2007 arrest. At the May 8 probation revocation hearing, evidence was presented that at the time of this arrest, defendant was in possession of more than 15 grams of marijuana. The court found defendant violated her probation in case Nos. 194370 and 197572. The court revoked those probations and reinstated them as follows: Defendant was sentenced to three years in state prison, execution of that sentence was suspended, and she was placed on three years' probation in each case, all prior terms and conditions remained, defendant was ordered to serve one year in county jail and waive all credits on both cases through the May 8 hearing date. The court made clear that both three-year sentences, whose execution were suspended, were consecutive. Probation on both cases was extended to January 24, 2010. Defendant was also ordered to participate in anger management and life skills programs while in jail and participate in testing and counseling as deemed appropriate by the probation department.

On December 21, 2007, after receiving reports of defendant's good progress in the jail's "Sister Program," the court released defendant from her jail sentence on her own recognizance and modified her sentence to give her credit for time served as of that date.

In May 2008, defendant's probation was administratively revoked. At the July 2008 probation revocation hearing, San Francisco Police Officer Silver testified that on April 8, while working undercover in a "buy/bust operation," he approached defendant and another woman, asked if they had any marijuana and assured them he was not a police officer. Defendant handed Silver two baggies of suspected marijuana in exchange for \$20 in marked funds. Thereafter, Silver gave the "arrest signal." One of the baggies

was later found to contain .90 grams of marijuana and the other 14.85 grams of marijuana. The court found by a preponderance of the evidence that defendant violated her probation in case Nos. 194370 and 197572.

The probation department recommended that probation be revoked because defendant continued to demonstrate that she “does not take the court serious[ly].” Evidence was presented that defendant had been accepted into the Walden House residential drug treatment program and defense counsel argued for reinstatement of probation and admission into the Walden House program.

The court refused to order probation and imposed the suspended three-year prison sentence on case No. 194370, and a consecutive 16-month prison term (one-third the four-year midterm) on case No. 197572. The court stated defendant was entitled to 327 days of actual credit and 162 days of Sage credit on the two cases. In each case, defendant was also ordered to pay a \$200 restitution fine (Pen. Code, § 1202.4, subd. (b)), a \$200 parole revocation fine suspended until revocation of parole (*id.*, § 1202.45), and a court security fee (*id.*, § 1465.8).

#### DISPOSITION

There are no arguable issues. The judgment is affirmed.

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SIMONS, Acting P.J.

We concur.

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NEEDHAM, J.

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BRUINIERS, J.\*

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\* Judge of the Contra Costa Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.